

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3340/1dn  
JTK:kjf:jf

October 28, 2011

Senator Lazich:

Currently, under s. 7.53 (1) and (2) (d), stats., if a municipal board of canvassers finds that an elector who has cast an absentee ballot at an election has also cast a ballot in person at the same election, the absentee ballot is void. However, under s. 6.88 (3) (a), stats., if the municipality counts absentee ballots at polling places instead of using a board of absentee ballot canvassers, the inspectors may open and count the absentee ballot at any time between the opening and closing of the polls on election day. The statutes are silent on what the inspectors should do if they find, when recording an absentee voter on the poll list, that the voter has already voted in person earlier in the day. Presumably, since it is normally impossible to retrieve the earlier ballot from the ballot box, the inspectors do not count the absentee ballot. You may wish to amend the law to specifically indicate that this is what the inspectors must do.

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